

MEMORANDUM

Agenda Item No. 8(L)(1)


TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 7, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution requesting Non-Exclusive Perpetual Easements from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to be used for road Right-of-Way for two (2) radius returns, one (1) on the southeast quadrant of the intersection of theoretical NW 174 Street and NW 97 Avenue, and one (1) on the southwest quadrant of the intersection of theoretical NW 174 Street and theoretical NW 94 Avenue, in Section 9-52-40 Commission District 12

The accompanying resolution was prepared by the Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: October 7, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the "From:" line.

Subject: Resolution Requesting Non-Exclusive Perpetual Easements from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to be Used for Road Right-of-Way for Two (2) Radius Returns, one (1) on the Southeast Quadrant of the Intersection of Theoretical NW 174 Street and NW 97 Avenue, and one (1) on the Southwest Quadrant of the Intersection of Theoretical NW 174 Street and Theoretical NW 94 Avenue, in Section 9-52-40 Commission District 12

Recommendation

It is recommended that the Board of County Commissioners (BCC) adopt the attached Resolution approving, requesting and authorizing the County Mayor or Mayor's designee to accept and record the conveyance of a Non-Exclusive Perpetual Easement from the Board of Trustees of the Internal Improvement Trust Fund (TIITF) of the State of Florida in a form acceptable to the County Attorney's office, to be used as road right-of-way for two (2) radius returns, one (1) on the Southeast quadrant of the intersection of theoretical NW 174 Street and NW 97 Avenue, and one (1) on the Southwest quadrant of the intersection of theoretical NW 174 Street and Theoretical NW 94 Avenue.

Scope

These rights-of-way fall within Commissioner Jose 'Pepe' Diaz's District 12.

Fiscal Impact/Funding Source

There is an approximate fiscal impact of \$38.00 annually since PWWM will be responsible for the maintenance of the subject parcels.

Track Record/Monitor

PWWM is the entity overseeing this project and the person responsible for monitoring these acquisitions is Mr. Leandro Ona, Chief, Roadway Engineering and Right-of-Way Division.

Background

The Board of Trustees of the Internal Improvement Trust Fund owns a parcel of land adjacent to NW 97 Avenue, portions of which are needed as radius returns at two different locations, in order to have the proposed improvements satisfy a Chapter 28 requirement that property lines at street intersections shall be rounded with a radius return. This portion of NW 97 Avenue is being improved by Prologis, Inc. which as part of a development condition, is required to build the infrastructure for their project and vicinity, including the extension of NW 97 Avenue north of NW 154 Street. These roads being improved will be dedicated to the Public once all improvements are completed and accepted by Miami-Dade County.

A handwritten signature in black ink, appearing to read "Alina T. Hudak", written over the "Background" section.

Alina T. Hudak
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 7, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(L)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 8(L)(1)

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION REQUESTING NON-EXCLUSIVE PERPETUAL EASEMENTS FROM THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA TO BE USED FOR ROAD RIGHT-OF-WAY FOR TWO (2) RADIUS RETURNS, ONE (1) ON THE SOUTHEAST QUADRANT OF THE INTERSECTION OF THEORETICAL NW 174 STREET AND NW 97 AVENUE AND ONE (1) ON THE SOUTHWEST QUADRANT OF THE INTERSECTION OF THEORETICAL NW 174 STREET AND THEORETICAL 94 AVENUE, IN SECTION 9-52-40

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, this Board declares the acquisition of land for the two (2) radius returns, one on the Southeast quadrant of the intersection of theoretical NW 174 Street and NW 97 Avenue and the other on the Southwest quadrant of the intersection of theoretical NW 174 Street and theoretical NW 94 Avenue (together the "Right-of-Way Parcels"), to be a public necessity and authorizes the County Mayor to acquire the right-of-way by dedication; and

WHEREAS, construction of NW 97 Avenue, NW 174 Street and NW 94 Avenue is in the best interest of Miami-Dade County and is essential to have access for planned development in this area; and

WHEREAS, two right-of-way easements are required on land owned by the Board of Trustees of the Internal Improvement Trust Fund of the State ("TIITF") for the construction of NW 97 Avenue, NW 174 Street and NW 94 Avenue; and

WHEREAS, maintenance of all improvements associated with these rights-of-way will be the responsibility of Miami-Dade County ; and

WHEREAS, the TIITF will grant, by dedication, two non-exclusive perpetual easements to Miami-Dade County; and

WHEREAS, the right-of-way easements for public purpose are consistent with the use of State land; and

WHEREAS, the right-of-way easements are consistent with the local government comprehensive plan adopted pursuant to section 163.3167, Florida Statutes; and

WHEREAS, this Board hereby requests the TIITF to grant, by dedication, to Miami-Dade County two non-exclusive perpetual easements for a portion of State-owned property described and shown on Exhibits "A"(1) through "A"(3) and "B" (1) through "B" (3) attached herewith and made a part herein,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated herein.

Section 2. This Board hereby determines that the transfer of the Right-of-Way Parcels from TIITF for two (2) radius returns, one (1) on the southeast quadrant of the intersection of theoretical NW 174 street and NW 97 avenue and one (1) on the southwest quadrant of the intersection of theoretical NW 174 street and theoretical NW 94 avenue both in Section 9-52-40 as Shown on Exhibits "A"(1) through "A"(3) and "B" (1) through "B" (3) attached herewith and made part here in, to be in the public's interest.

Section 3. This Board authorizes the County Mayor or Mayor's designee to accept and record the conveyance of easements over and across the Right-of-Way Parcels, in a form acceptable to the County Attorney's Office.

Section 4. Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or County Mayor's designee to record the instruments of conveyances accepted herein in the Public Records of Miami-Dade County and to provide a recorded copy of each instrument to the Clerk of the Board within thirty (30) days of execution of said instruments; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of each of said instruments together with this resolution.

The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

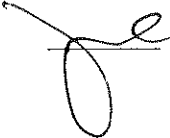
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

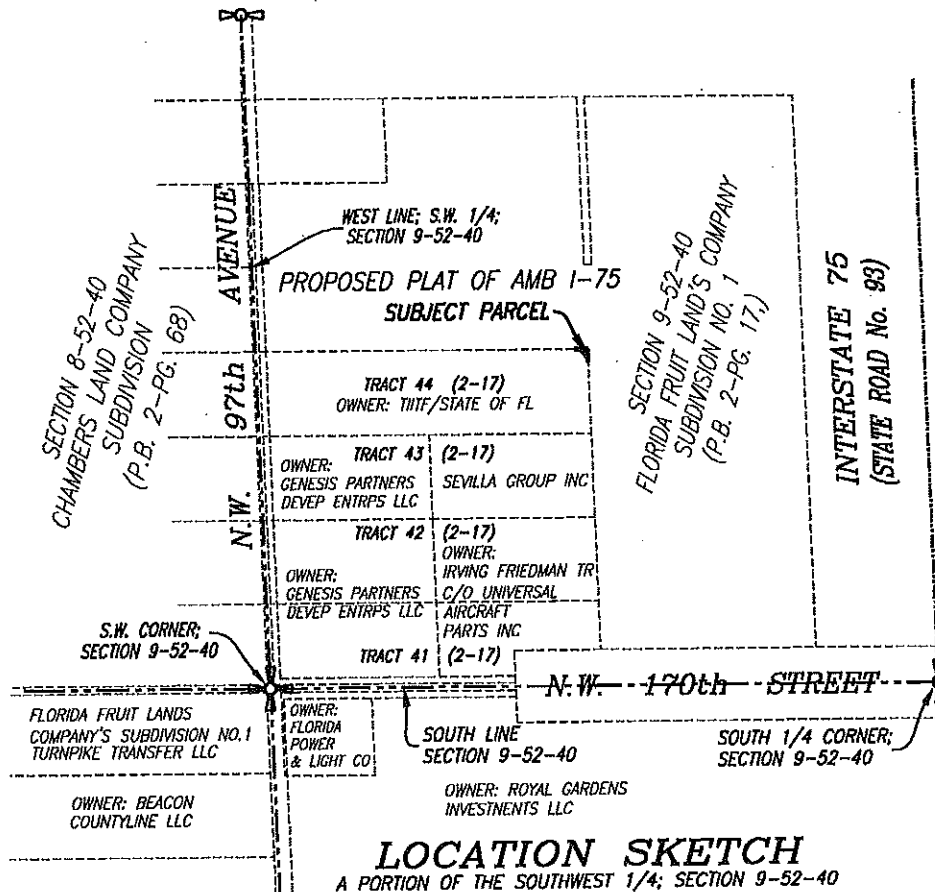
By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jorge Martinez-Esteve

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NORTHEAST FILLET RIGHT-OF-WAY TIIFF/STATE OF FLORIDA PARCEL



GENERAL NOTES:

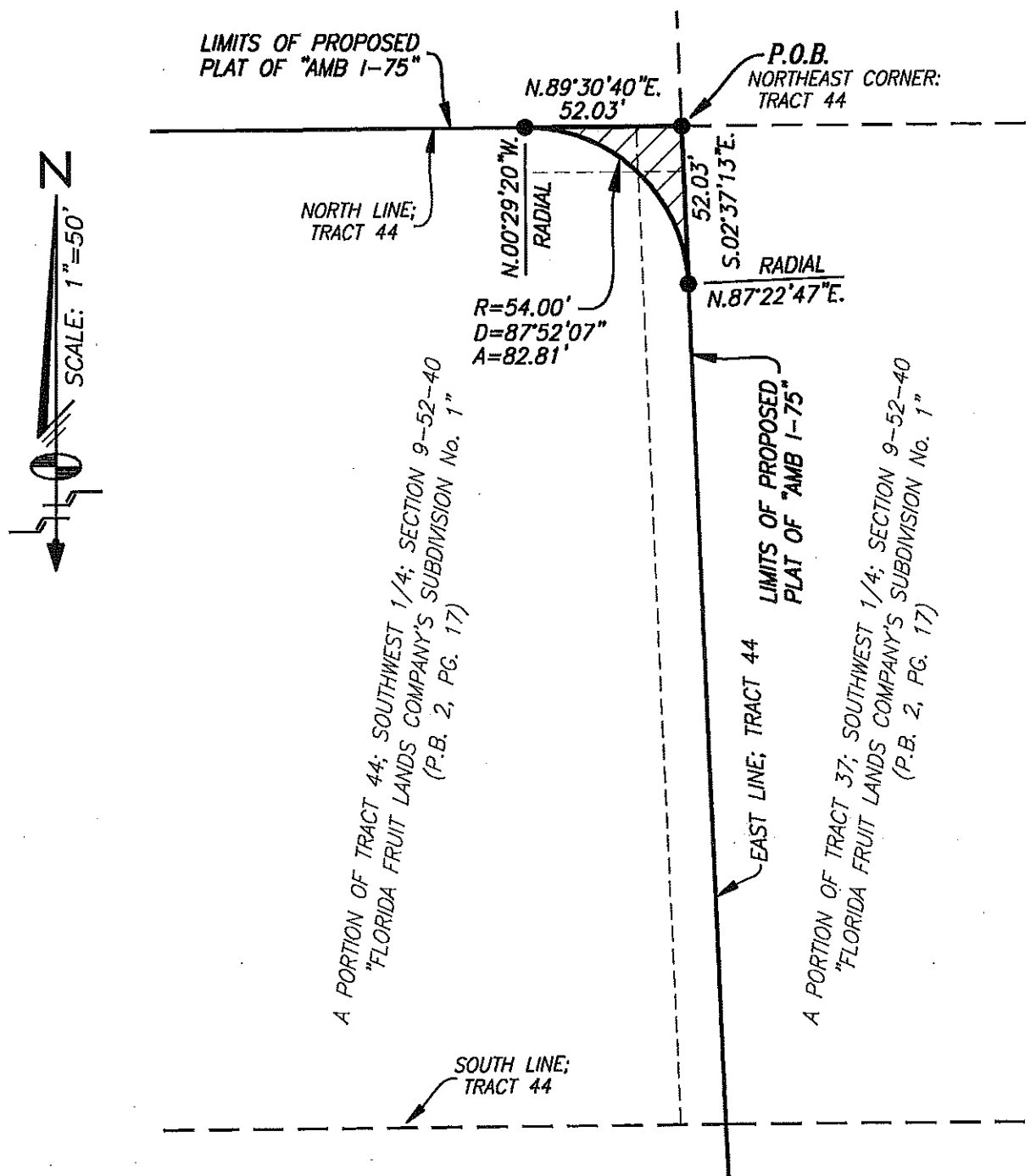
- 1) BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF NORTH 02DEGREES 36MINUTES 58 SECONDS WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 52 SOUTH, RANGE 40 EAST.
- 2) ORDERED BY: AMB 1-75 PROPERTIES LLC.
- 3) AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE ATTESTING PROFESSIONAL LAND SURVEYOR AND MAPPER.

SHEET 1 OF 3 SHEETS

	SCHWEBKE-SHISKIN & ASSOCIATES, INC. LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025 PHONE No.(954)435-7010 FAX No. (954)438-3288 ORDER NO. <u>200786</u> PREPARED UNDER MY SUPERVISION: DATE: <u>JAN. 24, 2013</u> THIS IS NOT A "BOUNDARY SURVEY" CERTIFICATE OF AUTHORIZATION No. LB-87		REVISIONS
	RONALD A. FRITZ, ASSISTANT VICE PRESIDENT FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767		

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NORTHEAST FILLET RIGHT-OF-WAY TIFF/STATE OF FLORIDA PARCEL



SHEET 2 OF 3 SHEETS



SCHWEBKE-SHISKIN & ASSOCIATES, INC.

LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025

PHONE No. (954) 435-7010

FAX No. (954) 438-3288

ORDER NO. 200786

PREPARED UNDER MY SUPERVISION:

DATE: JAN. 24, 2013

THIS IS NOT A "BOUNDARY SURVEY"

CERTIFICATE OF AUTHORIZATION No. LB-87

RONALD A. FRITZ, ASSISTANT VICE PRESIDENT

FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767

REVISIONS

NORTHEAST FILLET RIGHT-OF-WAY TIAFF/STATE OF FLORIDA PARCEL


LEGAL DESCRIPTION:

(PARENT TRACT FOLIO NUMBER: 30-2009-001-0170)

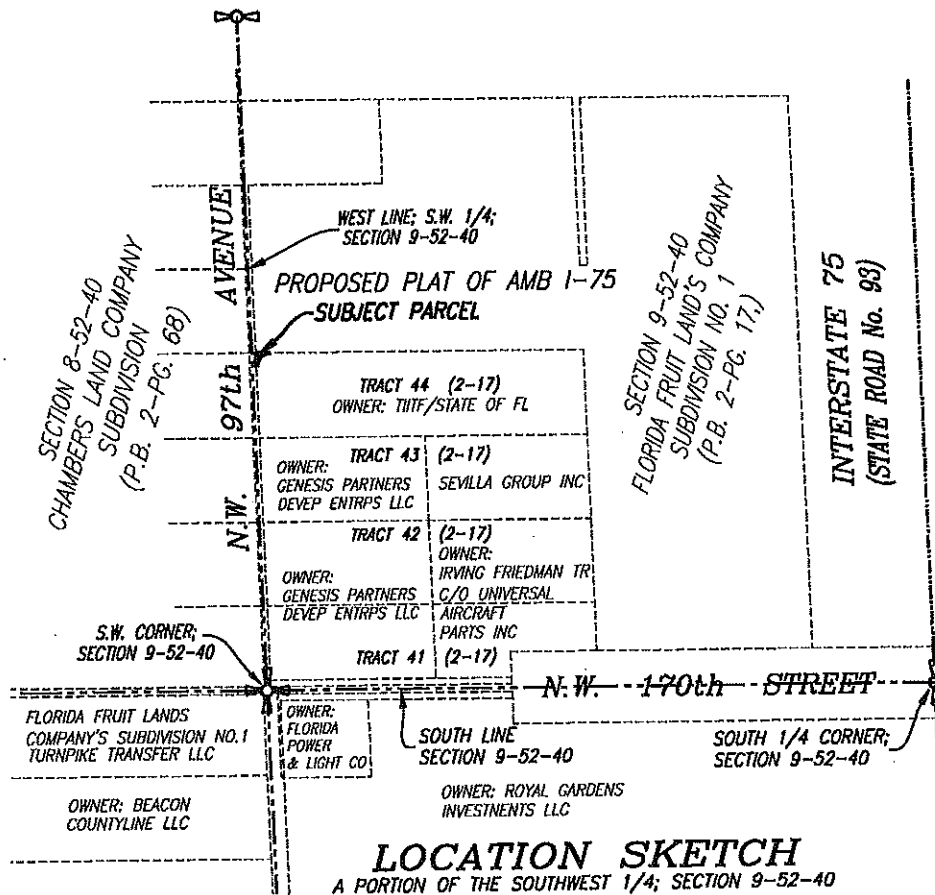
A PORTION OF TRACT 44 IN THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID TRACT 44; THENCE SOUTH 02 DEGREES 37 MINUTES 13 SECONDS EAST, ALONG THE EAST LINE OF SAID TRACT 44, FOR 52.03 FEET TO A POINT OF CUSP OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; SAID POINT BEING ON THE NEXT DESCRIBED CIRCULAR CURVE AND HAVING A BEARING OF NORTH 87 DEGREES 22 MINUTES 47 SECONDS EAST FROM THE RADIUS POINT OF SAID CIRCULAR CURVE; THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY, ALONG SAID CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 54.00 FEET AND A CENTRAL ANGLE OF 87 DEGREES 52 MINUTES 07 SECONDS FOR AN ARC DISTANCE OF 82.81 FEET TO A POINT ON THE LAST DESCRIBED CIRCULAR CURVE; SAID POINT BEARS NORTH 00 DEGREES 29 MINUTES 20 SECONDS WEST FROM THE RADIUS POINT OF THE LAST DESCRIBED CIRCULAR CURVE; THENCE NORTH 89 DEGREES 30 MINUTES 40 SECONDS EAST, ALONG THE NORTH LINE OF SAID TRACT 44, FOR 52.03 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

SHEET 3 OF 3 SHEETS

	SCHWEBKE-SHISKIN & ASSOCIATES, INC. LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025 PHONE No. (954) 435-7010 FAX No. (954) 438-3288		REVISIONS
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		RONALD A. FRITZ, ASSISTANT VICE PRESIDENT FLORIDA PROFESSIONAL LAND SURVEYOR No. 2767	

NORTHWEST FILLET RIGHT-OF-WAY THIFF/STATE OF FLORIDA PARCEL



LEGEND:

P.O.B. DENOTES POINT OF BEGINNING
O.R.B. DENOTES OFFICIAL RECORDS BOOK
P.B. DENOTES PLAT BOOK
PG. DENOTES PAGE
R DENOTES RADIUS
D DENOTES DELTA
A DENOTES ARC

GENERAL NOTES:

- 1) BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF NORTH 02DEGREES 36MINUTES 58 SECONDS WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 52 SOUTH, RANGE 40 EAST.
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SHEET 1 OF 3 SHEETS



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LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025

PHONE No.(954)435-7010

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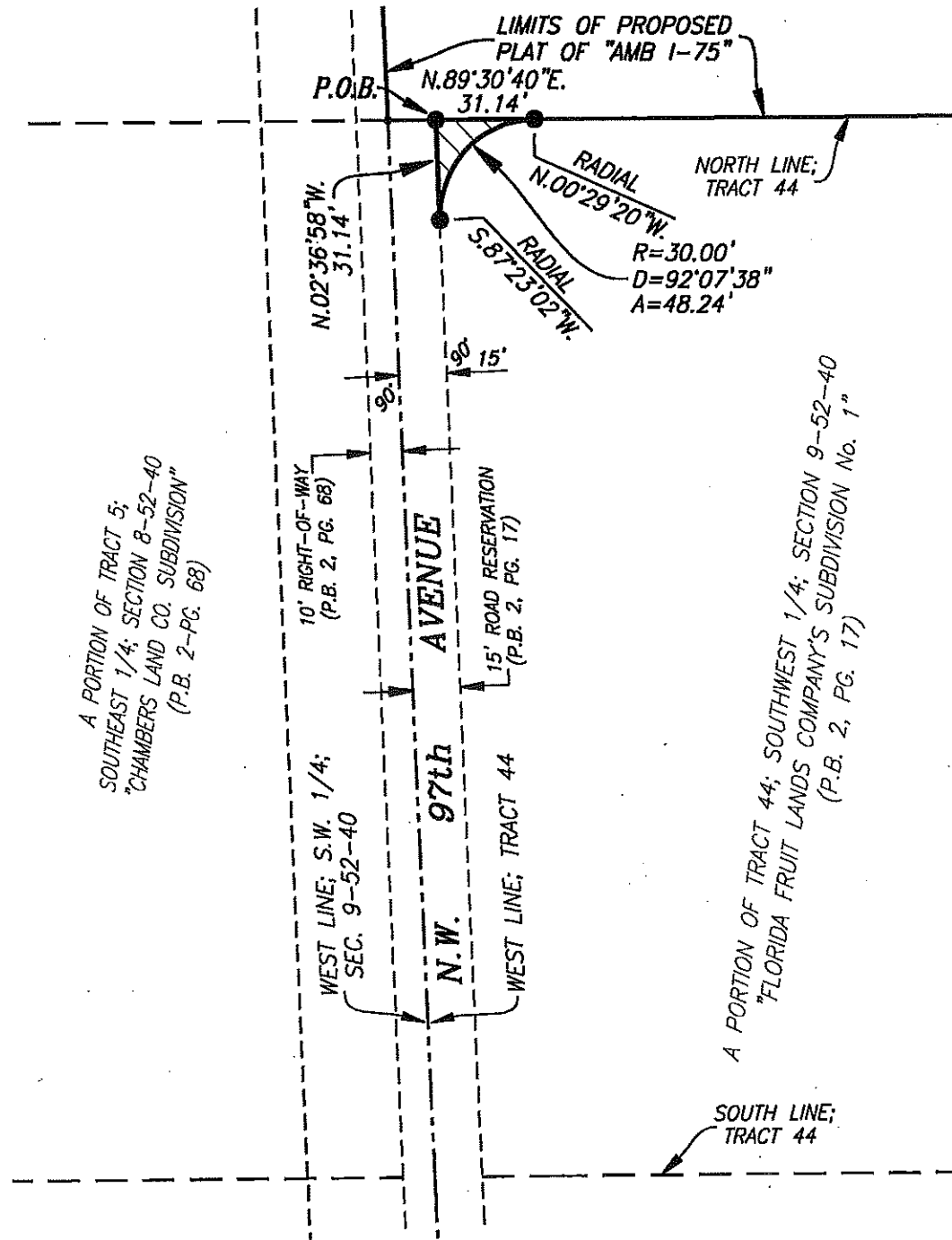
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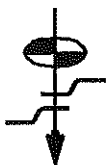
REVISIONS

REVISED FILLET RADIUS
2/12/14 - #202269

NORTHWEST FILLET RIGHT-OF-WAY THIFF/STATE OF FLORIDA PARCEL



SHEET 2 OF 3 SHEETS



SCHWEBKE-SHISKIN & ASSOCIATES, INC.

LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025

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REVISIONS

REVISED FILLET RADIUS

2/12/14 - #202269

NORTHWEST FILLET RIGHT-OF-WAY THIFF/STATE OF FLORIDA PARCEL

LEGAL DESCRIPTION:

(PARENT TRACT FOLIO NUMBER: 30-2009-001-0170)

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BEGIN AT A POINT ON THE NORTH LINE OF SAID TRACT 44; SAID POINT BEING 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE SAID SOUTHWEST 1/4 OF SAID SECTION 9; THENCE NORTH 89 DEGREES 30 MINUTES 40 SECONDS EAST, ALONG THE NORTH LINE OF SAID TRACT 44 FOR 31.14 FEET TO A POINT ON THE NEXT DESCRIBED CIRCULAR CURVE; SAID POINT BEARS NORTH 00 DEGREES 29 MINUTES 20 SECONDS WEST FROM THE RADIUS POINT OF THE NEXT DESCRIBED CIRCULAR CURVE; THENCE WESTERLY, SOUTHWESTERLY AND SOUTHERLY ALONG A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 92 DEGREES 07 MINUTES 38 SECONDS FOR AN ARC DISTANCE OF 48.24 FEET TO A POINT ON THE LAST DESCRIBED CIRCULAR CURVE; SAID POINT BEARS SOUTH 87 DEGREES 23 MINUTES 02 SECONDS WEST FROM THE RADIUS POINT OF THE LAST DESCRIBED CIRCULAR CURVE; THENCE NORTH 02 DEGREES 36 MINUTES 58 SECONDS WEST, ALONG A LINE THAT IS PARALLEL WITH AND 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE SAID SOUTHWEST 1/4 OF SAID SECTION 9, FOR 31.14 FEET TO THE POINT OF BEGINNING; ALL LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

SHEET 3 OF 3 SHEETS



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